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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,603	09/27/2004	Iden Mossanen-Shams	1708-21	2291

7590 05/16/2005  
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EXAMINER

KENNEDY, SHARON E

ART UNIT PAPER NUMBER

3762

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/509,603

Applicant(s)

MOSSANEN-SHAMS ET AL.

Examiner

Sharon Kennedy

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

#### ***Specification***

The abstract of the disclosure is objected to because it is not on a separate page. In other words, the front page of the corresponding PCT application is not accepted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: It needs a "Reference to Related Applications" section to refer to the PCT and provisional applications. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

Claims 14, 16-20, 23, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 14, there appears to be a typo in the last line of the claim, or at least this portion could be better worded. Claim 24 is similarly written and could be revised. Regarding the remaining claims, these depend from cancelled claim 1. They will be examined as if they depend from claim 15.

***Claim Rejections - 35 USC § 102***

Claim 14 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by McLaughlin, US 6,086,564. See the figure on the front page.

Claims 14, 15, 17, 20, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon et al., US 6,626,884. See Dillon figure 1. Although the device is different, nothing in the claims distinguishes over Dillon. The band 112 is "near an intravenous therapy location" as claimed.

***Claim Rejections - 35 USC § 103***

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '884. Regarding claim 16, the device of figure 1 does not show a block, but a round housing. Other figures do show a square type device, for example, figure 8. Further, it is *prima facie* obvious in the lack of a showing of criticality to change the shape or size of an object. See MPEP 2144, I., entitled, "Aesthetic Design Changes" or MPEP 2144, IV.B, entitled, "Changes in Shape."

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '884 as applied to claim 15 above, and further in view of Daniels, US 2,449,882. Daniels shows the strap arrangement. It would be obvious to use any strap to secure the Dillon device.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '884 as applied to claim 15 above, and further in view of Rash, US 4,231,367. Rash exemplifies that the concept of caps instead of valves is well known. The

substitution of one for another is a function of cost. Caps are cheaper but suffer from sterility problems. Replacing the cap after introducing an object invites the introduction of bacteria into the device. Valves are more expensive but are able to more effectively seal a device. In view of the state of the art, the examiner considers the use of caps instead of valves a step back in the art, and an obvious design choice based on cost or use.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571/272-4955.

Information regarding the status of an application may be obtained by going to [www.uspto.gov](http://www.uspto.gov), clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.

A handwritten signature in black ink that reads "Sharon Kennedy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sharon Kennedy  
Primary Examiner  
Art Unit 3762